

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10581 NMG

YVETTE LOCKHART-BEMBERY,	)
Plaintiff	)
VS.	)
	)
TOWN OF WAYLAND POLICE DEPARTMENT,	)
ROBERT IRVING, in his capacity as CHIEF OF THE	)
WAYLAND POLICE DEPARTMENT and	)
DANIEL SAURO	)
Defendants	)

**DEFENDANTS' MEMORANDUM REGARDING**  
**IMPUTED NEGLIGENCE PURSUANT TO MASS. GEN. LAWS c. 258**

Pursuant to the court's request, the defendants submit this memorandum regarding the effect of Mass. Gen. Laws c. 258 upon a finding of negligence as to the Defendant, Daniel Sauro.

Pursuant to Mass. Gen. Laws c. 258 § 2, "[p]ublic employers shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any public employee while acting within the scope of his office or employment..." See Greenwood v. Town of Easton, 444 Mass. 467, 469 (2005). Accordingly, in the event that Daniel Sauro is found to be negligent in this matter for the incident that occurred while acting within the scope of his employment, such negligence would be imputed to the Town of Wayland as his employer.

Additionally, the statute further provides that, "...no such public employee...shall be liable for any injury or loss of property or personal injury or death caused by his negligent or wrongful act or omission while acting with the

scope of his office or employment..." Mass. Gen. Laws c. 258 § 2. Accordingly, Daniel Sauro is exempt from liability for his actions if he is found negligent, and such liability can only be entered against the Town of Wayland as his employer.

Respectfully submitted,  
The Defendants,  
By their attorneys,

/s/ Jeremy Silverfine  
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